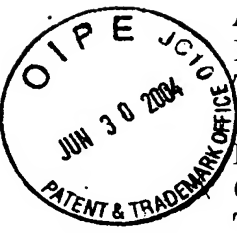


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/805,804 Confirmation No. : 9959  
Applicant : David BAULCOMBE, et al.  
Filed : March 22, 2004  
TC/A.U. : 1638  
Examiner : Unassigned  
Docket No. : 101044.53943D2  
Customer No. : 23911  
Title : Gene Silencing



**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Forms PTO-892 and 1449 which the Examiner may deem relevant to patentability of the claims of the above-identified application.

These prior art documents were made of record and cited by the examiner in parent application Serial No. 09/491,549 filed January 26, 2000.

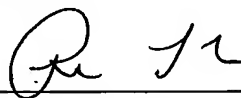
The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, the paper should be considered as a petition for consideration of the Information Disclosure Statement under 37 C.F.R. §1.97(d)(2) and that the petition fee set forth in 37 C.F.R. §1.17(i) in accordance with 37 C.F.R. §1.97(d)(3) should be charged to Deposit Account No. 05-1323 (Docket #101044.53943D2).

6/30/04

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P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

Respectfully submitted,



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Robin L. Teskin  
Registration No. 35,030

<b>INFORMATION DISCLOSURE STATEMENT</b>	<i>Complete if known</i>	
	Application Number: 09/491,549	
	Filing Date: January 26, 2000	
	First Named Inventor: David Charles Balcombe et al.	
	Group Art Unit: 1632	
Examiner Name: P. Paras, Jr.		Attorney Docket Number: 0380-P02094US
SHEET 1 OF 1		

### UNITED STATES PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	PATENT NUMBER	ISSUE DATE MM-DD-YYYY	FIRST NAMED INVENTOR

### FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	DOCUMENT NUMBER	COUNTRY OR REGION	DATE OF PUBLICATION MM-DD-YYYY	FIRST NAMED INVENTOR OR APPLICANT

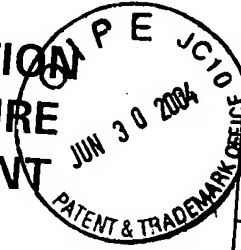
### OTHER PRIOR ART - NON-PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Include name of the author (in Capital Letters), title of the article (when appropriate), title of the item(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C1	John A. Lindbo et al., "Induction of Highly Specific Antiviral State in Transgenic Plants: Implications for Regulation of Gene Expression and Virus Resistance"; The Plant Cell, Vol. 5, 1749-1759, December 1993
	C2	R.B. Flavell et al., "Inactivation of gene expression in plants as a consequence of specific sequence duplication"; Proc. Natl. Acad. Sci. USA, Vol. 91, 3490-3496, April 1994
	C3	D. Grierson et al., "Does co-suppression of sense genes in transgenic plants involve antisense RNA"; TIBTECH, Vol. 9, 122-123, April 1991
	C4	M. Metzlauff et al., "RNA-Mediated RNA Degradation and Chalcone Synthase A Silencing in Petunia", Cell, Vol. 88, 845-854, March 21, 1997
	C5	William G. Dougherty et al., "Transgenes and gene suppression: telling us something new?"; Current Opinion in Cell Biology 7, 399-405, 1995
	C6	Overheads from talk given by one of the inventors on 27 February 1999 at EMBO workshop on "Post-transcriptional regulation of gene expression in plants"; February 25-28, 1999 conducted at Leysin, in Switzerland
	C7	Poster given at meeting: Molecular Plant Microbe Interactions (MPMI), 9th International Congress, July 25-30, 1999

EXAMINER'S SIGNATURE		DATE CONSIDERED	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 5609. Draw a line through citation if citation not in conformance and reference not considered. Include a copy of this form with next communication to applicant.

# INFORMATION DISCLOSURE STATEMENT



Complete if known

Application Number: 09/491,549

Filing Date: January 26, 2000

First Named Inventor: David Charles Balcombe et al.

Group Art Unit: 1632

Examiner Name: P. Paras, Jr.

Attorney Docket Number: 0380-P02094US

SHEET 1 OF 2

## UNITED STATES PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	PATENT NUMBER	ISSUE DATE MM-DD-YYYY	FIRST NAMED INVENTOR

## FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	DOCUMENT NUMBER	COUNTRY OR REGION	DATE OF PUBLICATION MM-DD-YYYY	FIRST NAMED INVENTOR OR APPLICANT
	B1	WO 01/75164 A2	WO	10/11/2001	WHITEHEAD INSTITUTE FOR BIOMEDICAL RESEARCH

## OTHER PRIOR ART - NON-PATENT DOCUMENTS

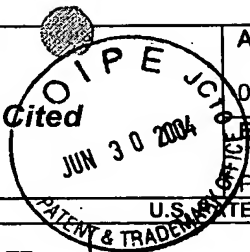
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in Capital Letters), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C1	ENGLISH, J.J. et al., "Suppression of Virus Accumulation in Transgenic Plants Exhibiting Silencing of Nuclear Genes"; The Plant Cell, 8: 179-188 (1996)
	C2	PRINS, M. et al., "RNA-mediated virus resistance in transgenic plants"; Arch Virol 141: 2259-2276 (1996)
	C3	SIJEN, T. et al., "RNA-Mediated Virus Resistance: Role of Repeated Transgenes and Delineation of Targeted Regions"; The Plant Cell, 8: 2277-2294 (1996)
	C4	SMITH, H.A. et al., "Transgenic Plant Virus Resistance Mediated by Untranslatable Sense RNAs: Expression, Regulation, and Fate of Nonessential RNAs"; The Plant Cell, 6: 1441-1453 (1994)
	C5	ELMAYAN, T. et al., "Expression of single copies of a strongly expressed 35S transgene can be silenced post-transcriptionally"; The Plant Journal, 9(6): 787-797 (1996)
	C6	BAULCOMBE, D.C. et al., "Ectopic pairing of homologous DNA and post-transcriptional gene silencing in transgenic plants"; Plant Biotechnology, 173-180
	C7	KUNZ, C. et al., "Developmentally regulated silencing and reactivation of tobacco chitinase transgene expression"; The Plant Journal, 10(3): 437-450 (1996)
	C8	VAN BLOKLAND, R. et al., "Transgene-mediated suppression of chalcone synthase expression in <i>Petunia hybrida</i> results from an increase in RNA turnover"; The Plant Journal, 6(6): 861-877 (1994)

EXAMINER'S  
SIGNATURE

DATE  
CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw a line through citation if citation not in conformance and reference not considered. Include a copy of the communication to applicant.

# Notice of References Cited



Application/Control No.

09/491,549

Examiner

Peter Paras

Applicant(s)/Patent Under Reexamination  
BAULCOMBE ET AL.

Art Unit

1632

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	DOCUMENT SOURCE **	
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## NON-PATENT DOCUMENTS

*		DOCUMENT (Including Author, Title Date, Source, and Pertinent Pages)	DOCUMENT SOURCE **	
			APS	OTHER
<input type="checkbox"/>	U	P. Waterhouse et al., Proc. Natl. Acad. Sci. USA, "Virus resistance and gene silencing in plants can be induced by simultaneous expression of sense and antisense RNA," Nov. 1998, Vol. 95, PP.13959-13964.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	V	M. Wassenegger et al., Plant Molecular Biology, "Model for RNA-mediated gene silencing in higher plants," Jan. 1998, 37:349-362.	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	X		<input type="checkbox"/>	<input type="checkbox"/>

\*A copy of this reference is not being furnished with this Office action. (See Manual of Patent Examining Procedure, Section 707.05(a).)

\*\*APS encompasses any electronic search i.e. text, image, and Commercial Databases.

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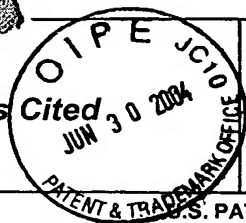
PTO-892 (Rev. 03-98)

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Application/Control No.

09/491,549

Applicant(s)/Patent Under  
Reexamination  
BAULCOMBE ET AL.

Examiner

Peter Paras

Art Unit

1632

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US- -			
	B	US- -			
	C	US- -			
	D	US- -			
	E	US- -			
	F	US- -			
	G	US- -			
	H	US- -			
	I	US- -			
	J	US- -			
	K	US- -			
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	M	US- -			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	- -				
	O	- -				
	P	- -				
	Q	- -				
	R	- -				
	S	- -				
	T	- -				

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	AJ hamilton et al., Science, "Species of Small Antisense RNA in Posttranscriptional Gene Silencing in Plants," Oct. 1999, Vol. 286, pp. 950-952
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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